

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JOHN V. FERRIS and JOANN M.
FERRIS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

WYNN RESORTS LIMITED, STEPHEN A.
WYNN, CRAIG SCOTT BILLINGS,
STEPHEN COOTEY, MATTHEW O.
MADDOX, JOHN J. HAGENBUCH,
ROBERT J. MILLER, PATRICIA
MULROY, CLARK T. RANDT JR., ALVIN
V. SHOEMAKER, KIMMARIE SINATRA,
DANIEL B. WAYSON, JAY L. JOHNSON,
RAY R. IRANI, and J. EDWARD VIRTUE,

Defendants.

Case No. 2:18-cv-00479-APG-EJY

ORDER

Pending before the Court is Defendants Wynn Resorts, Ltd. and Matthew Maddox's Notice of and Motion for Leave to File Under Seal Exhibit S to the Declaration of Nathaniel Haas. ECF No. 250. The Court has reviewed the Motion and Exhibit S (ECF No. 255), which is an email chain. While the Court understands that Exhibit S was produced pursuant to a protective order entered by the Court, this is an insufficient basis to support a Motion to Seal. Parties "may not simply rely on the Stipulated Protective Order ... to justify sealing documents filed in the record under seal." *Heath v. Tristar Products, Inc.*, Case No. 2:17-cv-02869-GMN-PAL, 2019 WL 12311995, at *1 (D. Nev. Apr. 17, 2019) citing *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133 (9th Cir. 2003) (reliance on a blanket protective order, without more, will not make a showing of good cause); *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 475-76 (9th Cir. 1992) (blanket stipulated protective orders are over inclusive by nature and do not include a finding of "good cause").

The Court finds Exhibit S contains personal email addresses for the senders and recipients of emails. This information is properly sealed. However, there is no justification currently provided

1 for sealing the content of Exhibit S that meets the standard established in *Kamakana v. City & Cty*
2 *of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006).

3 Accordingly, IT IS HEREBY ORDERED that Defendants Wynn Resorts, Ltd. and Matthew
4 Maddox's Notice of and Motion for Leave to File Under Seal Exhibit S to the Declaration of
5 Nathaniel Haas (ECF No. 250) is GRANTED in part and Exhibit S (ECF No. 255) shall remain
6 provisionally sealed subject to the further Order below.

7 IT IS FURTHER ORDERED that the parties may submit additional information through a
8 supplemental filing, no later than October 31, 2022, justifying the sealing of the content of Exhibit
9 S. If a supplemental is not filed on or before October 31, 2022, Defendant must file Exhibit S on
10 the public docket redacting only the personal email addresses of all senders and recipients from the
11 same no later than November 2, 2022.

12 Dated this 20th day of October, 2022.

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15 ELAYNA J. YOUCHAK
16 UNITED STATES MAGISTRATE JUDGE
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